

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC	)	
CORPORATION FOR A GENERAL	)	CASE NO.
ADJUSTMENT IN RATES	)	2011-00036

O R D E R

On July 6, 2011, Kenergy Corp. ("Kenergy") filed a motion requesting authority to file rebuttal testimony. Kenergy states that the procedural schedule adopted by the Commission's March 17, 2011 Order provided that Big Rivers Electric Corporation ("Big Rivers") could file rebuttal testimony by July 6, 2011, but no provision was made for any other party to file rebuttal. Further, Kenergy states that it did not file intervenor testimony because it did not have any testimony to file in response to Big Rivers' application, but that it now desires to rebut a portion of the intervenor testimony filed by Kentucky Industrial Utility Customers ("KIUC"). A copy of Kenergy's rebuttal was appended to its motion.

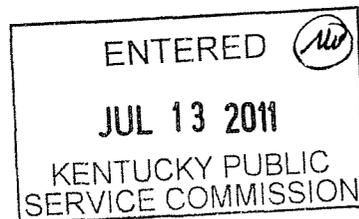
On July 12, 2011, KIUC filed a response in opposition to Kenergy's motion, along with a motion to strike Kenergy's rebuttal. KIUC claims that the rebuttal filed by Kenergy is contrary to the procedural schedule, prejudices KIUC and other intervenors, and is not really rebuttal because it addresses issues raised in the application, rather than issues raised by KIUC's intervenor testimony. Finally, KIUC states that, if Kenergy's rebuttal is accepted for filing, KIUC should be afforded an opportunity to conduct discovery and file sur-rebuttal testimony.

Based on the motions and being otherwise sufficiently advised, the Commission finds that Kenergy's rebuttal addresses both the Big Rivers' application and the KIUC intervenor testimony. While it would have been preferable for Kenergy to have raised some of its issues by filing intervenor testimony in accordance with the procedural schedule, we find sufficient cause to grant Kenergy's motion and accept its rebuttal. Although we will deny KIUC's motion to strike, we will allow KIUC an opportunity to conduct discovery and file sur-rebuttal.

IT IS THEREFORE ORDERED that:

1. Kenergy's motion for authority to file rebuttal testimony is granted, and the rebuttal attached to its motion is accepted for filing as of the date of this Order.
2. KIUC's motion to strike the Kenergy rebuttal is denied.
3. Kenergy shall fully cooperate with KIUC regarding discovery, and Kenergy shall respond expeditiously to any reasonable discovery requests.
4. Any KIUC sur-rebuttal testimony in response to the Kenergy rebuttal shall be in verified prepared form, shall be served by KIUC electronically on all parties no later than 11:00 a.m. on July 25, 2011, and shall be filed with the Commission no later than 9:00 a.m. on July 26, 2011.

By the Commission



ATTEST:

  
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